

CHAPTER NINE

COMMUNITY DEVELOPMENT

HOLIDAY DECORATION PERMITS

9.01.010 Permit Required. Decorations and electric lights may be installed, operated and maintained for decorative purposes over and upon the streets of the City during the period after November 15 of any year to January 15 of the succeeding year only if a permit has been applied for and issued pursuant to BC 9.01.010-.060.

9.01.020 Application. Application for a permit shall be made to the mayor on a form prescribed by the mayor and shall include:

- A. Name and address of the applicant;
- B. Proposed commencement and expiration dates of the permit;
- C. Number, height and location of the decorations or lights;
- D. Manner in which decorations and lights are to be installed, operated or maintained;
- E. Any services or assistance requested of the City by the applicant;
- F. Any other relevant information required by the mayor.

9.01.030 Issuance of the Permit. The mayor shall decide whether to issue the permit and may attach conditions to the permit to prevent personal and property damage or to minimize public inconvenience.

9.01.040 Permittee's Responsibilities.

A. Unless otherwise specifically provided for in the permit, the permittee shall be responsible for the installation, maintenance and operation of the lights and decorations until the end of the permit period.

B. The permittee must comply with all other Code sections, ordinances and regulations of the City relating to placement or use of the decorations or lights.

C. The permittee shall be responsible for removal of decorations or lights at the end of the permit period.

9.01.050 Refusal to Issue, Revocation, or Suspension of the Permit.

A. The mayor may refuse to issue, revoke, or suspend the permit in accordance with the provisions of BC 2.05.050-.066.

9.01.060 Violation. Violation of BC 9.01.010-.060 constitutes a Class 2 Civil Infraction, and shall be processed in accordance with the procedures set forth in BC 2.10.010-.050.

(Reserved)

BASKETBALL BACKBOARDS

9.01.200 Short Title. BC 9.01.200 - .235 shall be known and may be cited as the "Basketball Hoop and Backboard Ordinance" and may be referred to herein as "this ordinance." [BC 9.01.200, amended by Ordinance No. 3814, 6/15/92]

9.01.205 Purpose and Scope. This ordinance is intended to regulate the duties and responsibilities associated with affixing a fixture consisting of a basketball backboard, hoop, net and supporting apparatus to the public right-of-way. [BC 9.01.205, amended by Ordinance No. 3814, 6/15/92]

9.01.210 Definitions. For the purpose of this ordinance, the following mean:

Basketball fixture - Any part of a basketball backboard, hoop, net or supporting apparatus.

Pedestrian - Any person afoot or confined in a wheelchair.

Public roadway - The improved portion of the public right-of-way designed for vehicular travel. The term is not intended to refer to off-street bicycle paths.

Sidewalk - The improved portion of the public right-of-way designed for preferential or exclusive use by pedestrians.

Supporting apparatus - The post, pole or similar object that is affixed into the ground and that supports the basketball backboard, hoop and net. [BC 9.01.210, amended by Ordinance No. 3814, 6/15/92]

9.01.215 Permissible Locations. The place where the supporting apparatus of a basketball fixture is affixed to the public right-of-way must be:

- A. Zoned for residential use;
- B. Apart from any sidewalk or public roadway;
- C. Abutting a public roadway designated in the Functional Classification Plan of the Beaverton Area Comprehensive Plan as a residential local road, class L-2 or L-3, where vehicular traffic is limited to a maximum speed of 25 miles-per-hour or less;
- D. At least 150 feet from the nearest lateral curb line or boundary line of any intersection of two or more public roadways; however, this subsection shall not apply to an L-shaped intersection of two public roadways, class L-2 or L-3, provided that all other requirements of this section are met;
- E. At least one foot back from the nearest curb line or boundary line of a public roadway; and
- F. Outside of the sight clearance area required by Beaverton Ordinance 2050, section 60.60.50, if calculated without regard to driveways or other private access ways. [BC 9.01.215, amended by Ordinance No. 3814, 6/15/92; Ordinance No. 4059, 9/15/99]

9.01.220 Abutting Landowner's Duties and Liabilities.

A. Any person owning, possessing, occupying or having control of property that abuts the public right-of-way where a basketball fixture is affixed shall properly, safely and responsibly construct, maintain, inspect, repair, use and supervised the use of the fixture.

B. A person who is injured or otherwise damaged by reason of any violation of this section shall have a cause of action for the actual damages sustained and, when appropriate, punitive damages. [BC 9.01.220, amended by Ordinance No. 3814, 6/15/92]

9.01.225 City Immunity from Liability.

A. No recourse whatsoever shall be had against the City, its Council, Mayor, employees or agents for damage or loss to person or property arising out of the negligent or otherwise wrongful construction, maintenance, inspection, repair, use or supervision of use of any basketball fixture affixed to the public right-of-way or for any act or omission in violation of this ordinance.

B. In consideration for the City allowing a person owning, possessing, occupying or having control of property that abuts the public right-of-way to construct, maintain, inspect, repair, use or supervise the use of a basketball fixture affixed to the public right-of-way, such person shall indemnify, defend and hold the City, its Council, Mayor, employees and agents harmless against any claim, suit or action made against the City, its Council, Mayor, employees and agents as a result of any person's failure to satisfy any obligation imposed by this ordinance. [BC 9.01.225, amended by Ordinance No. 3814, 6/15/92]

9.01.230 Removal of Fixtures. Any person owning, possessing, occupying or having control of property that abuts the public right-of-way where a basketball fixture is affixed in violation of this ordinance shall remove the fixture. [BC 9.01.230, amended by Ordinance No. 3814, 6/15/92]

9.01.235 Penalty.

A. Violation of any provision of this ordinance constitutes a class 2 civil infraction and shall be processed in accordance with the provisions of BC 2.10.010 - .050.

B. Each day that a violation exists constitutes a separate infraction.

C. The penalties imposed by this ordinance are in addition to and not in lieu of any other lawful remedies available to the City. [BC 9.01.235, amended by Ordinance No. 3814, 6/15/92]

(Reserved)

PLACEMENT OF SIDEWALK BENCHES, TRANSIT SHELTERS NEWSRACKS AND OTHER FACILITIES

9.01.300 Placement Permit.

A. The uncontrolled placement of sidewalk benches, transit shelters, newsracks and other similar facilities in the public rights of way presents an inconvenience, aesthetic annoyance and danger to the safety and welfare of the public.

B. Sidewalk benches, transit shelters, newsracks and other similar facilities so located as to cause an inconvenience or danger to persons using public rights of way, and unsightly sidewalk benches, transit shelters, newsracks and other similar facilities constitute public nuisances.

C. BC 9.01.300-.330 are intended to provide a procedure for application and issuance of permits for placement of sidewalk benches, transit shelters, newsracks and other similar facilities in public rights of way pursuant to BC 5.05.115, subsection E 11. [BC 9.01.300, amended by Ordinance No. 3373, 6/5/84; amended by Ordinance No. 3520, 6/16/86]

9.01.302 Permit Required. It shall be unlawful to place any sidewalk bench, transit shelter, newsrack or other similar facility in public rights of way without first having obtained a permit from the City. One permit may be issued to include any number of items, shall specify the exact location of such item(s), and shall be signed by the applicant. [BC 9.01.302, added by Ordinance No. 3520, 6/16/86]

9.01.305 Procedure for Permit Application.

A. Application for the permit shall be made to the mayor. The mayor may delegate the responsibility for approval and issuance of the permit and enforcement of BC 9.01.300-.330 to a City employee.

B. The application for the permit shall include:

1. the applicant's true name and permanent address;
2. the true name and address of a person for whom the applicant is acting as agent;
3. written and signed approval of the owner, lessee and/or tenant of the property abutting the proposed location of the bench, transit shelter, newsrack or other facility;
4. sketch of the proposed bench, transit shelter, newsrack or other facility showing size, design and specific proposed location; and
5. an application fee set by the mayor. [BC 9.01.305, amended by Ordinance No. 3520, 6/16/86]

9.01.306 Permit Conditions.

A. As an express condition of the acceptance of such permit, the applicant thereby agrees to indemnify and save harmless the City, its officers, directors, and employees against any loss or liability or damage, including expenses and costs for personal injury and property damage resulting from the installation, use or maintenance of a sidewalk bench, transit shelter, newsrack or other similar facility within the City. The applicant shall provide a surety bond, whose surety is a justified surety insurer under ORS 743.732 or an insurance policy with a certificate of insurance naming the City, its officers, directors, agents and employees as additional insured in the amounts set by ORS 30.270.

B. Permits may be issued for the installation of sidewalk benches, transit shelters, newsracks and other similar facilities without prior inspection of the location, but such sidewalk benches, transit shelters, newsracks and other similar facilities and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this Code.

C. Such permits shall be valid for three years and shall be renewable pursuant to the procedure for original applications.

D. Stickers showing the permit number shall be issued with the permit and must be displayed on the front of each sidewalk bench, transit shelter, newsrack and other similar facility. [BC 9.01.306, added by Ordinance No. 3520, 6/16/86]

9.01.310 Issuance of Permit.

A. In determining whether to issue the permit, the mayor or the mayor's designee shall consider the following:

1. the extent to which the sidewalk bench, transit shelter, newsrack or other facility may impair clearance vision of motorists at or near intersections;

2. any hazard to pedestrian and vehicular traffic created by placement of the sidewalk bench, transit shelter, newsrack or other similar facility;

3. possibility of congestion at or near the proposed location of the sidewalk bench, transit shelter, newsrack or other similar facility;

4. the extent to which the sidewalk bench, transit shelter, newsrack or other similar facility will interfere with pedestrian traffic access to parked vehicles, the use of driveways, or the use of other facilities such as telephones, fire hydrants and the like.

B. No permit shall be issued for any newsrack which fails to comply with the following conditions:

1. no newsrack shall exceed four feet in height, 30 inches in width or two feet in thickness;

2. each newsrack shall be equipped with a coin return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the publication paid for. The coin return mechanisms shall be maintained in good working order.

3. each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin return mechanism, or to give the notices provided for in this section.

4. newsracks shall be designed to be stable under a wind load of at least twenty pounds per square foot without attachment to the pavement or any other object. [BC 9.01.310, amended by Ordinance No. 3373, 6/5/84; amended by Ordinance No. 3520, 6/16/86]

9.01.312 Location, Installation and Maintenance of News- racks.
Any newsrack subject to this Code shall be located in accordance with the provisions of this section.

A. No newsrack shall be used or maintained which projects onto, into or over any part of the roadway or any public street, or which rests, wholly or in part upon, along or over any portion of the roadway of any public street.

B. No newsrack shall be permitted to rest upon, in or over any public sidewalk or parkway, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any legally parked or stopped vehicle, residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.

C. No newsrack shall be chained, bolted, or otherwise attached to any fixture or tree located in the public right of way, except to other newsracks.

D. No newsrack may be placed within 100 feet of any other newsrack on the same side of the street unless they are side-by-side or within a common enclosure which shall not exceed four feet in

height, 30 inches in width, or two feet in thickness. A maximum of five unenclosed side-by-side newsracks may be allowed in one location if they meet the other standards of this section. In case of conflict over location, the first to apply for a permit shall have priority.

E. No newsrack shall be placed, installed, used or maintained:

1. within three feet of any marked crosswalk;
2. within 12 feet of the curb return of any unmarked crosswalk;
3. within five feet of any fire hydrant, fire call box, police call box or other emergency facility;
4. within five feet of any driveway;
5. within three feet ahead or 15 feet to the rear of any sign marking a designated bus stop;
6. within three feet of the outer end of any bus bench;
7. at any location whereby the clear space for the passageway of pedestrians is reduced to less than three feet; or
8. within three feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping.

F. Newsracks shall not be located in the public right of way in any residential zoning district as defined in the Development Code.

G. Newsracks shall not be located along any arterial or collector street as defined in BC 3.15.015.

H. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

1. it is reasonably free of dirt and grease;
2. it is reasonably free of chipped, faded, peeling and cracked paint;
3. it is reasonably free of rust and corrosion;
4. the clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;
5. the paper or cardboard parts of inserts thereof are reasonably free of tears, peeling or fading; and
6. the structural parts thereof are not broken or unduly misshapen.

I. If the mayor determines that any newsrack interferes with any present or proposed public use of the right of way by any utility, the mayor may rescind the permit and order such newsrack to be removed upon ten days written notice by mail to the permit holder. Failure to comply with such order shall be a Class 1 Civil Infraction. [BC 9.01.312, added by Ordinance No. 3520, 6/16/86]

9.01.315 Revocation, Suspension, Refusal to Issue or Renew Permit. Any permit applied for under the provisions of BC 9.01.300-.330 may be revoked, suspended or the application for renewal or issuance denied for the following reasons:

- A. If any of the grounds set forth in BC 2.05.054 exist;
- B. Violation of present or past permit or conditions of the permit;
- C. Violation of BC 9.01.325;

D. Ownership or tenancy of the property abutting the sidewalk changes and the present owner or tenant has not given written signed approval.

9.01.320 Removal of Bench, Transit Shelter Newsrack or Other Facility.

A. Upon termination of the permit for any reason, the applicant shall at the applicant's own risk and expense, remove the sidewalk bench, transit shelter, newsrack or other

facility and leave the site in a clean condition and in as good a state of repair as when installation was made.

B. If the applicant fails to remove the sidewalk bench, transit shelter, newsrack or other facility or apply for a new permit within 20 days of the termination date of the permit, the City may proceed to remove the sidewalk bench, transit shelter, newsrack or other facility. [BC 9.01.320, amended by Ordinance No. 3520, 6/16/86]

9.01.325 Violations.

A. No person shall cause a sidewalk bench, transit shelter, newsrack or other facility to be placed or maintained on a public street or sidewalk or in any other public way or place without first obtaining a valid permit under BC 9.01.300-.330.

B. Any sidewalk bench, transit shelter, newsrack or other facility placed or maintained in violation of this Code constitutes a Class 1 Civil Infraction. [BC 9.01.325, amended by Ordinance No. 3520, 6/16/86]

9.01.330 Penalty. Violation of this ordinance constitutes a Class 3 Civil Infraction and shall be processed in accordance with BC 2.10.010-.050.

(Reserved)

STREETS: NAMES AND ADDRESSES

9.02.010 Definitions. For the purposes of BC 9.02.010-.070, the following mean:

Accessory building - Small, detached buildings used in connection with another building that is required to display a street number.

Accessway - Shall have the same meaning as the Fire Department Access Road as required in the Fire Code.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Code - Shall have the same meaning as it is given in BC 8.02.015.

Complex - is a group of two or more buildings on the same property served by two or more accessways.

Mayor - The mayor or the mayor's designee responsible for enforcing this ordinance.

Townhouse - is a multi-story dwelling unit in which one or more functions for living (kitchen, bathroom, living room, bedroom) are located on a separate floor or story and may be contiguous to one or

more similar units and open on at least two sides, with or without property lines between units. A Townhouse may also be known as a Rowhouse.

Vehicular Access - is a place, means or way by which emergency vehicles shall have safe, adequate and usable ingress and egress from a street. [BC 9.02.010, amended by Ordinance No. 4145, 3/5/01]

9.02.020 Street Numbering System.

A. The street numbers for all buildings or structures in the City shall be established and assigned in accordance with the numerical system established for the City of Portland and Multnomah and Washington Counties.

B. Numbering shall be based on 2000 numbers to the mile with even numbers assigned to structures located on the east or south sides of the street.

9.02.030 Mayor's Duties. The mayor shall be responsible for:

- A. Assignment of street numbers for all buildings in the City;
- B. Maintenance of a master street and number map for the City;
- C. Making address number changes;
- D. Giving notice of street number changes to affected persons;
- E. Establishing a street numbering policy in cooperation with the Beaverton United States Postmaster.

9.02.040 Display of Assigned Street Number Required.

A. Except for accessory buildings or buildings classified by the Building Code as a Group U Occupancy, no certificate of occupancy shall be issued or final inspection approved, and no person shall occupy or allow occupancy of any building, unless a street number assigned under BC 9.02.010-.070 is displayed on the building in accordance with the following requirements:

1. Numbers shall be plainly visible and legible as determined by the Building Official from the street or accessways;

2. Numbers shall be displayed on the building to which they are assigned. As an alternative to displaying the numbers on the building, the Building Official may approve the display of an assigned number on an accessory building when the orientation of the accessory building or monument sign affords better visibility of the building's address from the street or accessway.

3. Numbers displayed on one- and two-family dwellings and townhouses facing the street or accessway shall be no less than four inches in height. Numbers displayed on buildings other than one and two family dwellings and townhouses facing the street or accessway shall be no less than six inches in height. The Building Official may require numbers displayed on a building to be larger than the minimum height if a larger height is needed to make the numbers plainly visible and legible from the street or accessway;

4. Numbers shall be in wide stroke block numerical form. Scroll numbers, spelled numbers or numbers on mailboxes may be used in addition to those in numerical form but shall not be considered adequate substitutes;

5. When a complex of commercial, multi-family and/or townhouse buildings are assigned separate unit numbers or

more than one street number, and all unit numbers or street numbers do not face a single street or accessway, a directory sign shall be displayed indicating where the buildings and assigned street numbers or unit numbers are located. The directory sign shall be provided in addition to the numbers required to be displayed on the buildings. Directory signs shall be located and plainly visible and legible from each vehicular access into the site from a street. Directory signs shall indicate all buildings, streets and accessways within the complex. The Building Official may also require directional signs within the complex indicating the assigned street numbers or unit numbers for buildings abutting the accessway. Directional signs shall be plainly visible from the accessway;

6. Numbers shall be of a contrasting color to the background to which they are attached;

7. Numbers shall be arranged in a horizontal, or near horizontal, configuration. The arrangement shall not exceed 45 degrees from horizontal.

8. Numbers shall not be covered or obscured by landscaping, fencing, accessory structures, vehicles or other objects that impair their visibility from the street or accessway.

B. All buildings and structures in existence on or before March 5, 2001 may continue to display their assigned address numbers in accordance with Ordinance No. 3885. The display of address numbers for all buildings or structures not in existence on or before March 5, 2001 shall comply with the requirements of subsection A. [BC 9.02.040, amended by Ordinance No. 3885, 2/14/94; Ordinance No. 4145, 3/5/01]

9.02.050 Selection of Street Names.

A. Streets shall be named in accordance with "Street Name Plan" developed by the planning department and approved by the Council.

B. Designators such as road, avenue or lane for new streets shall conform to the "Street Name Plan".

C. A street name proposed pursuant to the "Street Name Plan" shall be submitted to the mayor prior to final approval of the street name by the planning commission or Council pursuant to subsection D. The mayor may recommend rejection of a proposed street name that in the mayor's judgment would tend to cause confusion, error or delay in matters affecting public safety.

D. The planning commission may approve all street names proposed as part of the subdivision approval process; all other street names shall be approved by the Council.

9.02.060 Change of Street Name. The Council shall have complete legislative discretion to change the name of any street in the City. Street name changes shall be made by ordinance and shall be filed with Washington County. The Council may use the following procedures in considering changes in street names.

A. A person, including the City, who desires a street name change shall submit a written request to the planning commission stating the reasons for the proposed name change and shall attach a scale diagram of the street.

B. Any proposed name change must meet the requirements of BC 9.02.050 B and C.

C. The planning commission shall consider the request at a public hearing.

1. Notice of the public hearing shall be given in accordance with provisions of section 128.2 A, B, and C of the Development Code except that written notice shall be provided to the owners of property fronting the street instead of owners included in the area of the proposed amendment and the United States Postal Service.

2. The scope of the hearing shall be limited to the change of the street name.

3. At the close of hearing, the planning commission shall make a recommendation in writing to the Council and identify the factors supporting the recommendations.

4. No recommendation for a name change shall be made unless the planning commission finds that a strong public need for the change exists.

5. The applicant's request for the name change, the planning commission's recommendation and any comments of the mayor shall be submitted to the Council for its consideration.

The Council may hold a public hearing to gather additional information. If a hearing is held, notice shall be given in accordance with subsection C 1.

9.02.070 Violation - Penalty. Violation of BC 9.02.010-.070 constitutes a Class 3 Civil Infraction, and shall be processed in accordance with the procedure set forth in BC 2.10.010-.050.

(Reserved)

STREET VACATIONS

9.03.010 [BC 9.03.010, repealed by Ordinance No. 4224, 8-19-02]

9.03.020 [BC 9.03.020, repealed by Ordinance No. 4224, 8-19-02]

9.03.030 [BC 9.03.030, repealed by Ordinance No. 4224, 8-19-02]

9.03.040 [BC 9.03.040, repealed by Ordinance No. 4224, 8-19-02]

9.03.050 [BC 9.03.050, repealed by Ordinance No. 4224, 8-19-02]

9.03.060 [BC 9.03.060, repealed by Ordinance No. 4224, 8-19-02]

(Reserved)

IMPROVEMENT, MAINTENANCE AND REPAIR WITHIN
PUBLIC RIGHTS OF WAY

9.04.010 Inspection, Definitions. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.020 Permits Required. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.030 Permit Conditions. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.040 Posting of Bond. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.050 Permit Fees. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.060 Driveway Approaches and Curb Cuts. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.070 Areas of Limited Street Improvements. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.080 Abandoned Driveway Approaches. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.090 Public Property. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.100 Variances Where Unusual Conditions Exist. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.110 Appeal From City Engineer's Decision. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

9.04.120 Violation of Ordinance, Continuing Violations, Penalty. [BC 9.04.010, repealed by Ordinance No. 3487, 1/14/86]

(Reserved)

SITE DEVELOPMENT

9.05.005 Short Title. BC 9.05.005-.170 shall be known and may be cited as the "Site Development Ordinance" and may also be referred to herein as "this ordinance". [BC 9.05.005; Ordinance No. 4249, 4/7/03]

9.05.010 Findings and Objectives. The Council finds and declares that it is necessary to adopt this ordinance to promote the public health, safety and general welfare by accomplishing the purposes set forth in this section, and it is intended that this ordinance be administered in accordance with those purposes. Specifically, this ordinance is intended to:

A. Insofar as practicable and in permitting reasonable development of land and minimizing fire hazard, insure the maximum retention of ground cover and runoff to aid in protection against flooding, erosion, earth movement, siltation, and other similar hazards;

B. Protect property values by insuring the maximum preservation of the natural vegetation for wildlife and the scenic character and visual continuity of the City consistent with the reasonable economic enjoyment of property;

C. Insure that the development of each parcel of land, as well as water courses, streets and other public lands and places, occurs in a manner harmonious with adjacent lands so as to minimize problems of flooding, drainage, erosion, earth movement and similar hazards;

D. Insure, insofar as practicable, that site development will take place in a manner that complements the public street system and public utilities;

E. To provide a review process for development proposed in any floodplain to insure that the development will be designed and constructed in a manner likely to minimize the danger present to life or property as a result of all development within the floodplain area;

F. Insure that site development design and construction are of good quality and are done in conformance with proper and accepted engineering principles;

G. Insure that site development, design and construction are accomplished with a minimum of disruption to the public. [BC 9.05.010, amended by Ordinance No. 3487, 1/14/86, Ordinance No. 4249, 4/7/03]

9.05.015 Definitions. For the purpose of this ordinance, the following mean:

Agriculture - The term includes farming, dairying, pasturage, horticultural, floriculture, viticulture, apiaries, and animal and poultry husbandry; it does not include the operation of a feed lot or other commercial feeding of animals. [Added by Ordinance No. 4249, 4/7/03]

Area of shallow flooding - A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding. [Added by Ordinance No. 3400, 9/10/84; amended by Ordinance No. 3564, 5/5/87]

Area of Special Flood Hazard - The area identified on FEMA Flood Insurance Rate Maps as the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters "A" or "V". [Added by Ordinance No. 3564, 5/5/87; amended by Ordinance No. 4155, 4/9/01]

Base flood - The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the '100-

year flood'. Designation on maps always includes the letters "A" or "V". [Amended by Ordinance No. 3564, 5/5/87]

Board - The Board of Site and Design Review as established in BC 2.03.130. The Board's jurisdiction and powers are set out in the Development Code. [Added by Ordinance No. 3440, 4/2/85]

Channelization - The process of modifying a waterway to reduce its floodway and/or floodplain by increasing the cross-sectional area of the waterway, to realign the waterway so that the centerline of the water will follow a new alignment, or for any other purpose. [Added by Ordinance No. 3440, 4/2/85]

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. [Amended by Ordinance No. 3487, 1/14/86; Ordinance No. 3564, 5/5/87; Ordinance No. 4249, 4/7/03]

Engineer, city engineer - The city engineer of the City of Beaverton or the city engineer's designee. The city engineer has authority to interpret this ordinance pursuant to BC 9.05.016, and is the mayor's designee for this purpose throughout this ordinance. [Added by Ordinance No. 3487, 1/14/86]

Excavation - An act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and includes the conditions resulting from the act.

Fill - An act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pulled or transported, and includes the conditions resulting from the act.

FIRM - The flood insurance rate map. [Added by Ordinance No. 3440, 4/2/85]

Flood Management Area - (USA) - Pursuant to USA Design and Construction Standards and the City Development Code, Chapter 60, the area equal to the floodplain. [Added by Ordinance No. 4155, 4/9/01]

Floodplain - The area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower revised contours by the base flood, inclusive of the floodway and the floodway fringe, and equal to the FIRM designation of an area of special hazard. [Amended by Ordinance No. 4155, 4/9/01]

Floodplain district - The overlay zoning district as established by the Development Code or as determined by a flood study. [Amended by Ordinance No. 4249, 4/7/03]

Floodway - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Added by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 3564, 5/5/87]

Floodway Fringe - The area of the floodplain lying outside the floodway, which does not contribute appreciably to the passage of flood water, but serves as a retention area. [Added by Ordinance No. 4155, 4/9/01]

Grading - Excavation or fill or any combination of excavation or fill and includes the conditions resulting from any excavation or fill.

Grading, finish - The final grade of the site that conforms to the approved plan.

Grading, rough - The stage at which the grade approximately conforms to the approved plan.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. [Added by Ordinance No. 3564, 5/5/87]

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term 'manufactured home' also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term 'manufactured home' does not include park trailers, travel trailers, and other similar vehicles. [Added by Ordinance No. 3564, 5/5/87]

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [Added by Ordinance No. 3564, 5/5/87]

Natural Resource Area, Important Natural Resource Area or Significant Natural Resource Area - The areas defined in the Comprehensive Plan and designated on the Plan's Natural Resource Map as Important or Significant Natural Resource Areas. [Added by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4155, 4/9/01]

New construction - Structures for which the "start of construction" commenced on or after the effective date of this ordinance. [Added by Ordinance No. 3564, 5/5/87]

Public utilities - Service furnished by the City or other public agency including, but not limited to, water, sanitary sewer and storm sewer service, telephone, natural gas, cable and electricity. [Amended by Ordinance No. 3487, 1/14/86]

Site - A lot or parcel of land or a series of lots or parcels of land joined together under one ownership where development occurs. The term "site" also includes a subdivision that has received preliminary plat approval. [Amended by Ordinance No. 3487, 1/14/86]

Start of construction - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any other work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. [Added by Ordinance No. 3564, 5/5/87]

Structure - A walled and roofed building including a gas or liquid storage tank that is principally above ground. [Added by Ordinance No. 3564, 5/5/87]

Substantial improvement -

A. Any repair, reconstruction, or improvement or series of repairs, reconstructions or improvements, of a structure, the cost of which in the aggregate as to repairs, reconstructions or improvements of the structure within the last seven years equals or exceeds 50 percent of the lowest assessed value of the structure as measured during the last seven years. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

B. Notwithstanding the provisions of subsection A. of this section, "substantial improvement" does not include:

1. Any non-structural repair, reconstruction or improvement made solely for the purpose of bringing an undamaged structure into compliance with state or local health, sanitary, or safety codes.

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Structures.

3. Normal and routine replacement of roofing and exposed nonstructural, building facing, with like materials being replaced solely due to incremental deterioration from sunlight radiation, exposure, and age.

C. For purposes of calculating the cost of past repairs, reconstructions, or improvements, only those that required a building permit or other City approval by ordinance shall be included.

[Added by Ordinance No. 3564, 5/5/87; amended by Ordinance No. 4249, 4/7/03]

Vegetative Corridor - (CWS) - pursuant to Clean Water Services District, Design and Construction Standards, a corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. [Added by Ordinance No. 4155, 4/9/01; amended by Ordinance No. 4249, 4/7/03]

Water course - A channel, creek, stream, river, swale, or stone drain pipe in which a flow of water occurs for either storm run-off or intermittent or year around stream flow. [Amended by Ordinance No. 4155, 4/9/01]

Water Quality Sensitive Area or Sensitive Area - (CWS) - pursuant to Clean Water Services District, Design and Construction Standards, shall include the following:

1. Existing or created wetlands;
2. Rivers, streams, and springs with year round flow;
3. Impoundments (including natural lakes and ponds) with average water in the summer of one acre-foot or more, or with an average depth of three feet or more;

Sensitive areas shall not include: stormwater treatment ponds or swales, detention ponds, stormwater treatment wetlands, vegetative corridor adjacent to the sensitive area; off stream lake, lagoon, fire pond, reservoir, or upland ditches for the sole purpose of draining roads, lots and outfalls of storm drains. [Added by Ordinance No. 4155, 4/9/01]

Work (alone or as in "site development work" or "development work") - Any construction, alteration or the bringing about of any physical change in the use or appearance of land or improvements thereon, including demolition of structures, pavement, or other site improvements that disturb the site outside of existing building

footprints, disturbance of the existing surface of the site, multiple trips by vehicles over undisturbed ground, multiple-day parking of multiple construction vehicles on undisturbed ground,

clearing or stripping of vegetation, groundcover, debris or topsoil, removal of trees or shrubs, depositing debris, depositing, stockpiling or storage of soil, sand, gravel, crushed rock, demolition materials, recycled concrete, asphalt or other recycled demolition materials, construction staging, grading, excavation or filling as defined herein, pot-holing, geotechnical test drilling, exploratory excavations or well-drilling. Additionally, this shall include physical changes to any structure in an area of special flood hazard. [Added by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 4249, 4/7/03]

Zoning ordinance - Ordinance No. 2050 and amendments thereto. [Added by Ordinance No. 3487, 1/14/86] [BC 9.05.015, amended by Ordinance No. 4078, 11/9/99; Ordinance No. 4107, 5/1/00; Ordinance No. 4249, 4/7/03]

9.05.016 Interpretation.

A. The city engineer shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this ordinance. A person requesting such an interpretation shall do so in writing and upon forms to be provided by the city engineer.

B. If the person requesting an interpretation disagrees with the city engineer's interpretation, it may be appealed to the City Council pursuant to BC 9.05.091. [BC 9.05.016, added by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.020 Permits Required.

A. Within right of way, easements or other real property of the City, City franchise holder, or other public agency, no person shall perform any work, development, excavation, or fill; or construct or alter streets, sidewalks, curbs, gutters, or utilities; or in any way tamper with pavement without first obtaining a permit from the city engineer.

B. No person shall cause or allow the following on private property or the public right-of-way without a current, valid permit issued under this ordinance by the city engineer.

1. Grading, excavation, fill, depositing, stockpiling or storage of soil, sand, gravel, crushed rock, demolition materials, recycled concrete, asphalt or other recycled demolition materials, or any combination thereof, in excess of 50 cubic yards in volume or over an area that exceeds 500 square feet;

2. Disturbance of the existing surface of the site, depositing debris, depositing, stockpiling or storage of materials, excavation or fill that will encroach on or alter a natural drainage channel or water course, or concentrate or accelerate drainage entering adjacent property or public right of way, with the exception of tilling of the soil for agricultural purposes, gardening and maintaining or upgrading existing landscaped areas that can be performed without violating any other provision of this subsection;

3. Demolition of structures, pavement and other site improvements, disturbance of the existing surface of the site, scraping the ground surface, multiple trips by

vehicles over undisturbed ground, multiple-day parking of multiple construction vehicles on undisturbed ground, clearing, stripping or removal of trees, vegetation, ground cover or topsoil, grading, excavation, fill, depositing debris, depositing, stockpiling or storage of soil, sand, gravel, crushed rock, demolition materials, recycled concrete, asphalt or other recycled demolition materials, or construction staging, ,or any combination thereof, over an area that exceeds 500 square feet on private property, or removal of the vegetation, ground cover or any tree within the public right-of-way, with the exception of tilling of the soil for agricultural purposes, gardening and the planting, maintaining or upgrading of landscaped areas on a single family residential lot that can be performed without violating any other provision of this subsection;

4. The construction, reconstruction, alteration, repair, or installation of a structure in any water course;

5. The construction of a private driveway, private road or parking lot on a lot;

6. Site development work by a public utility, public agency, or City franchise holder in a Significant Natural Resource Area.

C. A separate permit shall be required for each separate noncontiguous site. One permit may cover both an excavation and a fill on the same site. A permit for excavation on one site does not approve the disposal on another site.

D. A permit shall be required for any construction or development in an area of special flood hazard.

E. Demolition materials from existing buildings and site improvements shall be promptly removed from the site and not stored on-site, except as provided in paragraph F immediately below.

F. The City may issue a permit under this ordinance for the stockpiling and storage of demolition materials to be recycled that have a volume in excess of 50 cubic yards or occupy an area that exceeds 500 square feet. Such demolition materials shall not be stored in their raw or recycled form on-site for more than 60 calendar days and shall be provided with dust controls and erosion controls in accordance with this ordinance and other City requirements. [BC 9.05.020, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 3564, 5/5/87; Ordinance No. 3887, 3/21/94; Ordinance No. 4249, 4/7/03]

9.05.025 Permit Exemptions. The permit provided for in BC 9.05.020 shall not be required for the following:

A. Site development work in connection with a public improvement or public work for which inspection is provided by the City or other public agency as approved by the city engineer in an area other than a Significant Natural Resource Area.

B. Except in a floodplain district, an excavation below finished grade for basements and footings of a building, swimming pool or underground structure authorized by a valid building permit where the cost of the excavation is included in the building permit valuation. This exception shall not affect the applicability of this ordinance to, nor the requirement of a grading permit for, a fill made with the material from the excavation.

C. Tilling of the soil for agricultural purposes. [BC 9.05.025, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.030 Permit Issuance by Building Official. [BC 9.05.030, repealed by Ordinance No. 3487, 1/14/86]

9.05.032 Permit Fees.

A. To defray expenses incurred in connection with the processing of applications, preparation of reports, publication of notices, issuance of permits, review and maintenance of plans and records, appeals and other matters, the City shall collect filing and other fees as established by Council resolution. The required fees shall be paid to the City on filing an application or at any other time specified by the resolution. Failure to submit the required fees with an application or a notice of appeal, including return of checks unpaid or other failure of consideration may preclude the processing of that application, and in the case of an appeal, preclude the processing thereof.

B. Fees are non-refundable, except when the City has incurred no cost in the processing of a terminated or withdrawn application. Municipal corporations and other public agencies are exempt from the payment of application fees.

C. The Council may reduce or waive required fees on a showing of just cause.

D. A person who begins work on a project requiring a permit under BC 9.05.005-.170 without first securing a permit shall in addition to the permit fee for a permit issued under this ordinance pay as a penalty an amount equal to the permit fee (sometimes referred to as the "double permit fee" or "double permit penalty"), unless the city engineer determines either (1) that it was not reasonably possible to obtain a permit before commencing the work, or (2) the person who requires a street tree permit is the owner of adjacent property or agent of the owner and the property is used for a single family residence, or (3) the Council reduces the penalty on appeal after conducting a public hearing on the matter. Payment of the penalty shall not relieve or excuse a person from the forfeitures imposed for violation of BC 9.05.005-.170 and/or conformance with Code requirements. Payment of the penalty shall not foreclose any other enforcement provisions.

E. If the penalty is appealed, and after conducting a hearing the Council rules in the appellant's favor, the Council may waive or reduce the penalty on a showing of just cause. In doing so, the Council may base its decision on any of the following considerations:

1. The past conduct of the appellant when doing business in the City, including the appellant's familiarity with City permit processes, the quality of similar work performed by the appellant in the past and the number of past violations by the appellant, if any.
2. The efforts of any person in charge of the site where the work was done to prevent the work from being started without a permit or to mitigate the adverse impacts of the work.
3. The actual results of any actions taken by any person in charge of the site to prevent the work from being done or mitigate the adverse impacts of the work.
4. The cost to the City of investigating and correcting or attempting to correct any adverse impacts of the

violation, the cost to the City of processing the appellant's penalty and appeal, including bringing an enforcement proceeding, and the cost to the City of processing the appeal.

5. The level of cooperation shown by the appellant when informed that the work was unpermitted and issued a Stop Work Order by the City, including the appellant's responsiveness, mitigation of any adverse impacts, willingness to follow the City's procedures, and actual performance in doing so.

6. Any economic advantage(s) or relief from a penalty or penalties that the appellant enjoyed by performing the unpermitted work.

7. Any benefit(s) enjoyed by the public as a result of the appellant's performing the unpermitted work, such as recycling of demolition materials or others.

8. The severity of the violation, including the type(s) and extent(s) of the unpermitted work and the resulting adverse impacts of the unpermitted work.

9. Other extenuating circumstances.

F. If the penalty is appealed, and the Council rules in the appellant's favor, the Council may reduce the penalty amount to less than the "double permit fee" penalty by applying either of the following alternative remedies, individually or in combination:

1. Application of the remedies and fines for a Class 1 Civil Infraction pursuant to BC 9.05.160 - .165.

2. Reduction of the penalty amount to less than the "double permit fee" amount in consideration of the extenuating circumstances determined by the City Council under subsection E of this section.

G. If the Council decides to reduce the penalty, the Council may set the penalty amount to correspond to the estimated cost of the component(s) of work begun without a permit.

1. The estimated cost of each component of work begun without a permit shall be provided by the applicant, shall be prepared by a registered professional civil engineer or architect licensed by the state of Oregon and shall be in a form satisfactory to the city engineer.

2. If an appellant has not yet provided the City an itemized cost estimate for all work requiring a permit issued under this ordinance at the time of the violation, the appellant shall be given 30 calendar days from the date of the City's written notification of the violation to the appellant to provide an itemized cost estimate for all such work, in the quantities required to complete the project.

3. If the appellant fails to provide an acceptable cost estimate within the allotted time, the city engineer may prepare the cost estimate upon which the reduced penalty amount is to be based.

4. If the city engineer prepares the cost estimate used to establish the penalty amount, the City may increase the penalty amount to recover the cost of the staff time required to prepare the estimate. [BC 9.05.032, renumbered by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 3487, 1/14/86; Ordinance No. 3979, 4/22/97; Ordinance No. 4249, 4/7/03]

A. To obtain a permit required by this ordinance, the applicant shall file a written application on forms furnished by the city engineer.

B. The application shall be completed to the extent necessary as determined by the city engineer and shall contain the following:

1. The purpose of the work;
2. The amount of material proposed to be excavated and the amount of fill in cubic yards;
3. The legal description of the property on which the work is to be performed;
4. The street address at the point of access to the property where the work is to be performed;
5. The name and address of the owner of the property on which the work is to be performed;
6. A description of the equipment and methods to be used in performing the work;

7. The name, address and phone number of the person who will be performing the work;

8. The route or routes proposed to be followed within the City in coming to and going from the site by the equipment used to haul the excavation or fill equipment and material;

9. The estimated dates for starting and completing the work to be done;

10. An engineering geological investigation, based on the plan for the work proposed under the permit. The engineering geological report shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions, including consideration of seismic hazards and slope stability in natural materials on the proposed development. All reports shall be subject to approval by the city engineer and supplemental reports and data may be required as the city engineer considers necessary. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plan. This requirement may be waived by the city engineer when it appears from the condition of the property that such a report is not necessary;

11. A soil engineering investigation, based on the plan for the work proposed under the permit. The reports shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plan or specifications. Recommendations may be waived by the city engineer when it appears from the conditions outlined in the report that incorporation of the recommendations is not necessary;

C. For sites identified as Significant Natural Resource Areas, an environmental assessment report, prepared by a qualified biologist or other professionals qualified to assess the particular resource issues on the site will be required and the application will be referred to the Director of Community Development pursuant to BC 9.05.050. The Director of Community Development may waive the requirement if sufficient information already exists to address the

issues present. For sites not identified as Significant Natural Resource Areas, the city engineer may require such an assessment to determine the impact on such factors as soil erosion and water quality.

D. If the proposed work requires the approval of any other governmental agency or public utility, such as the Corps of Engineers or Oregon Division of State Lands, the applicant shall also submit evidence of having made such application for approval prior to or simultaneously with the City submittal and shall submit duplicate copies of these applications to the city engineer. The city engineer shall coordinate approvals by the City with those of other agencies to the extent necessary and feasible. Any permit issued by the city engineer pursuant to this ordinance shall not be valid until other agency approvals have been obtained.

E. The city engineer may require additional information necessary to carry out the purposes of this ordinance. This information may include, but is not limited to, traffic studies, soils reports, geological investigations, and detailed construction cost estimates for all proposed work that is governed by this ordinance. Any cost estimates required by the city engineer shall be provided by the applicant, shall be prepared by a registered professional civil engineer or architect licensed by the state of Oregon and shall be in a form satisfactory to the city engineer. The person or persons providing this information shall be qualified with regard to education, training and experience. The city engineer may also waive any of the requirements in subsection B, above, as he determines they are not necessary or applicable on a case by case basis.

F. Additional information for property wholly or partly within the floodplain district.

1. As a condition to any permit for development, the applicant first shall provide and the city building official shall record and keep available for public inspection, the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of any new or substantially improved structures, and the fact of whether or not the structure contains a basement. For all new or substantially improved floodproofed structures, the city building official shall require documentation of the actual elevation (in relation to mean sea level) and maintain the floodproofing certifications required by BC 9.05.060, subsections C and D.

2. The city engineer may require the applicant to provide:

- a. A detailed hydrologic data report prepared by a registered engineer with a background in the area of hydrology. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas; and/or

- b. An environmental assessment report, prepared by a qualified individual, satisfactory to the city engineer. This report shall include, but is not limited to, the impact on soil erosion, damage to significant vegetation and displacement of wildlife, on both the subject property and adjoining properties. It shall identify the factors on which the report is based, and the reasons for conclusions drawn. [BC 9.05.035,

amended by Ordinance No. 3400, 9/10/84; Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 3564, 5/5/87; Ordinance No. 3770, 4/1/91; Ordinance No. 3775, 6/24/91; Ordinance No. 3887, 3/21/94; Ordinance No. 4249, 4/7/03]

9.05.040 Requirements for Scale Plans and Drawings.

A. The application required by BC 9.05.035 shall be accompanied by five copies of scale plans or drawings prepared and signed as appropriate by a registered civil engineer, architect, or landscape architect showing sufficient details and information to carry out the purposes of this ordinance. Following are examples of information which may be required:

1. Property lines of the property on which the work is to be performed;

2. Location of buildings or structures on the property where the work is to be performed, and the location of any building or structure on land of adjacent property owners that is within 15 feet of the property on which the work is to be performed;

3. Elevations, dimensions, location, extent and the slopes of all work proposed to be done, shown on a contour map, and an estimate of the quantity of excavation and fill involved. The contour map shall show the existing contours of the land and the proposed contours of the land after completion of the proposed work. Contours shall be shown at even two-foot or other intervals required by the city engineer;

4. Detailed plans of walls, cribs, drains, dams, erosion control planting or other protective devices to be constructed in connection with or as a part of the proposed work, together with a map showing the drainage area and estimated cubic feet per second runoff of the area served by any drainage facility;

5. A map or photo showing and describing the major plant materials and a map delineating riparian and wetland boundaries on the site;

6. Detailed engineering plans showing construction details for streets, sidewalks, curbs, gutters, water, sewer, storm drains, parking lots and utilities;

7. Any other applicable plans or drawings the city engineer may require in order to carry out the purposes of this ordinance including, on sites in excess of one-half acre, work on streets or utilities that will become part of the public street.

B. The city engineer may waive the requirement for scale drawings if the city engineer finds that the information on the application is sufficient to show that the work will conform to the requirements of this ordinance.

C. The city engineer shall review the plans in accordance with generally accepted engineering standards, methods, and specifications and may make such requirements as are necessary to insure that the plans submitted and the development, design or construction comply therewith. [BC 9.05.040, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.045 Technical Standards.

A. The city engineer may formulate those technical standards the city engineer finds necessary or convenient to implement this ordinance, provided such standards are not inconsistent with law.

B. Before the technical standards formulated by the city engineer may take effect, the city shall adopt the standards by ordinance or resolution. The city shall adopt the standards by ordinance if legally required, but otherwise the city may choose the manner of adoption the city deems most appropriate.

C. A compilation of all applicable technical standards adopted under this section, whether by resolution or ordinance, shall be kept on file in the office of the city engineer and made available to the public. The compilation may be referred to as the •Engineering Design Manual and Standard Drawings'. [BC 9.05.045, added by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4059, 9/15/99; Ordinance No. 4249, 4/7/03]

9.05.046 Extension of Facilities.

A. To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines and may require extension of streets through applicant's property to the property line of the adjoining or abutting property in a manner approved by Facilities Review in accordance with Ordinance No. 2050 (the Development Code) and may designate maximum or minimum slopes and compaction to be used. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan.

B. Where physical or topographical conditions make the extension of a facility impracticable, the City Engineer or designee may require instead cash payment to the City. The payment shall be in lieu of the extension of the facility, and shall be in an amount reasonably estimated to equal the cost of extending the facility under practicable conditions. [BC 9.05.046, added by Ordinance No. 3487, 1/14/86; amended by Ordinance No. 4059, 9/15/99; Ordinance No. 4249, 4/7/03]

9.05.050 Application Referred to Director of Community Development, Planning Commission or Board of Design Review.

A. When the work to be done on a site occurs in a Significant Natural Resource Area, or in an Important Natural Resource Area within 100 feet of a Significant Natural Resource Area, the application shall be referred by the city engineer to the Director of Community Development for study, review and recommendation. The Director of Community Development shall report on how the proposal may impact the resource and aesthetic values of the site, alternative methods of development which could result in less loss or damage to scenic, wildlife or natural features of the site, and shall recommend possible preferred methods of mitigation or development.

The Director of Community Development, on completion of investigation, shall transmit the report, with findings and recommendations to the city engineer. In addition, the report shall be transmitted to the Planning Commission (Commission) or the Board of Design Review (Board) if the proposal involves a development project within the Commission's or Board's jurisdiction, or to the Commission, in the event the approval involves a subdivision, as set out in the Development Code. No permit shall be issued by the city engineer, Board or Commission until the report has been received.

B. Pursuant to the process set out in BC 9.05.083 the city engineer shall submit to the Commission or Board, as appropriate, all permit applications for work within the Commission's or Board's jurisdiction under the Development Code and all permit applications for channelization or relocation of the floodway. The Commission or Board, as appropriate, shall review these applications under the Commission's or Board's standards contained in the Development Code and may attach conditions to its approval. [BC 9.05.050, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.055 Permit Issuance or Denial by City Engineer.

A. Grounds For Denial. The permit shall be denied when, in the judgment of the city engineer, the proposed work would:

1. directly or indirectly create a hazard to human life, or a substantial risk of hazard to human life, or;
2. directly or indirectly harm real or personal property or create a substantial risk of harm to real or personal property;
3. cause damage or substantial risk of damage to any public sewer, storm drain, watercourse, street, street improvement or any other public real or personal property, or
4. cause irreparable or unreasonable harm or create substantial risk of harm to a Significant Natural Resource Area.

B. If, in the opinion of the city engineer, conditions contained in BC 9.05.055, subsection A can be eliminated or mitigated by imposing conditions or by a specified method of performing the work, or through redevelopment or rehabilitation of the site, the city engineer may grant the permit on the condition that the specified protection and precautionary work or mitigation shall be done to the city engineer's satisfaction or on the condition that a specified method of performing the work shall be used.

C. Conditions On Issuance. In granting a permit under this ordinance, the city engineer may attach conditions to insure conformity with the provisions of BC 9.05.055, subsection A. No person shall violate any conditions imposed by the city engineer. In addition to conditions which address BC 9.05.055, subsection A, the city engineer may impose additional conditions which may include, but shall not be limited to:

1. Limitations on the hours of operation or the period of year in which work may be performed;
2. Restrictions on the size and type of equipment;
3. Designation of routes on which materials may be transported;
4. The completion date for the permit;
5. Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public or any portion of the public or the neighborhood;
6. Manner of use of public streets and places in the course of the work;
7. Requirements to protect the environment and natural resources, on or off site.

D. The effective date of the permit is governed by BC 9.05.085. [BC 9.05.055, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.060 Permit Issuance or Denial - Floodplain District.

A. Floodways. Located within areas of special flood hazard established in the FIRM are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection 1, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

3. For property within the floodway fringe of Beaverton Creek (main stem) from Murray Boulevard upstream to State Highway 8 (Canyon Road), fill for development may be placed without regard for the holding capacity of the property in question provided that the fill is shown not to raise the base flood elevation or create additional flooding inside and outside the established flood hazard area of tributaries to Beaverton Creek that cross the floodway fringe and converge with Beaverton Creek within those boundaries.

B. Grounds for Denial.

1. In addition to the grounds for denial contained in BC 9.05.055, the city engineer shall also deny a permit for development in an area of special flood hazard if the city engineer finds that any of the following circumstances exist:

a. The proposed development will diminish the flood carrying capacity of the watercourse;

b. The proposed development does not maintain the holding capacity of the site;

c. The proposed development will significantly raise the flood surface elevations up or down stream from or adjacent to the site;

d. The proposed development will endanger life or property on or off the site;

e. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, proposed construction will not be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

f. All necessary permits have not been obtained from those federal, State or local governmental agencies from which prior approval is required.

2. In lieu of denial, the city engineer may grant the permit with any conditions necessary to assure that the provisions of this section will be met.

C. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top

or frame ties to ground anchors (Reference FEMA's 'Manufactured Home Installation in Flood Hazard Areas' guidebook for additional techniques).

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

d. Where base flood elevation data has not been provided or is not available from another authoritative source, and the city engineer determines base flood elevation data to be necessary to properly administer regulations within an area of special flood hazard, base flood elevation data shall be generated.

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, highwater marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

D. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in the Flood Insurance Rate Map (FIRM), the following provisions are required:

1. Residential Construction.

a. In new construction or the substantial improvement of any residential structure the lowest floor, including the basement, shall be elevated to not less than one foot above the base flood elevation. If within the special flood hazard area of Beaverton Creek (main stem) from Murray Boulevard upstream to State Highway 8 (Canyon Road), the lowest floor, including the basement, shall be elevated to not less than two feet above the base flood elevation as determined by the flood study referenced by the Letter of Map Revision, dated May 25, 2000, from the Federal Emergency Management Agency.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

2) the bottom of all openings shall be no higher than one foot above grade;

3) openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation and, if within the special flood hazard area of Beaverton Creek (main stem) from Murray Boulevard upstream to State Highway 8 (Canyon Road), be elevated to not less than two feet above the base flood elevation as determined by the flood study referenced by the

Letter of Map Revision, dated May 25, 2000, from the Federal Emergency Management Agency; or, together with attendant utility and sanitary facilities, shall:

a. be floodproofed to an elevation one foot above the base flood level and, if within the special flood hazard area of Beaverton Creek (main stem) between Murray Boulevard upstream to State Highway 8 (Canyon Road), be floodproofed two feet above the base flood elevation as determined by the flood study referenced by the Letter of Map Revision, dated May 25, 2000, from the Federal Emergency Management Agency, so that the structure is watertight and with walls substantially impermeable to the passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in BC 9.05.035, subsection F;

d. nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in BC 9.05.060, subsection D1;

3. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of BC 9.05.060, subsection C1;

b. for new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the street, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision, it is required that:

1) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;

2) adequate surface drainage and access for a hauler are provided; and

3) in the instance of elevation on pilings, that

a) lots are large enough to permit steps,

b) piling foundations are placed in stable soil no more than ten feet apart, and

c) reinforcement is provided for pilings more than six feet above the ground level.

4. Floodways. Located within areas of special flood hazard established in the FIRM are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. if the requirements of subsection a, above, are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of BC 9.05.060, subsection C. [BC 9.05.060, amended by Ordinance No. 3400, 9/10/84; Ordinance No. 3487, 1/14/86; Ordinance No. 3564, 5/5/87; Ordinance No. 3887, 3/21/94; Ordinance No. 3984, 6/10/97; Ordinance No. 4078, 11/9/99; Ordinance No. 4107, 5/1/00; Ordinance No. 4249, 4/7/03]

9.05.065 Designation of Routes. [BC 9.05.065, amended by Ordinance No. 3440, 4/2/85; repealed by Ordinance No. 3487, 1/14/86]

9.05.070 Security for Performance.

A. The applicant shall submit a bond or other security in an amount satisfactory to the city engineer and in a form approved by the city attorney, in the sum of 100 percent of the estimated cost of the development governed by this ordinance, not including the cost of parking lot construction, to guarantee the faithful performance of the work specified in the permit within the time specified by the city engineer.

B. When the public improvements described in a site development permit are substantially complete and are acceptable to the city, the applicant shall submit a maintenance bond or other security in an amount satisfactory to the city engineer and in a form approved by the city attorney, in the sum of 25 percent of the cost of those improvements, as determined by the city engineer, to guarantee the quality of workmanship and materials used to complete the work, for at least one year following substantial completion and acceptance or for a longer period to be determined by the city engineer if necessary or desirable to guarantee the viability of one or more improvements. In the event it becomes necessary for one or more of those improvements to be repaired or replaced on account of deficient workmanship or materials, then the maintenance bond or other security shall be extended for one year following substantial completion and acceptance of corrected improvements.

C. The security instrument shall obligate the principal to faithfully perform the work specified in the permit within the time

specified by the city engineer and shall further provide that it will not be canceled or terminated until the City has approved the work in writing.

D. Surety Bond - Notice of Default. When the city engineer finds that a default has occurred in the performance of any term or condition of a permit, written notice of the default shall be given to the principal and to the surety of the bond. The notice shall state the work to be done, the estimated cost, and the period of time considered by the city engineer to be reasonably necessary for the completion of the work.

E. Interference Prohibited. No person shall interfere with or obstruct ingress to or egress from the premises by an authorized representative or agent of a surety or of the City engaged in completing the work required to be performed under the permit or in complying with the permit terms or conditions.

F. Termination of Security. All security posted shall be effective from the date of the posting to the date of completion to the satisfaction of the city engineer of all the permit terms and conditions for the work. The completion shall be evidenced by a statement signed by the principal on request. When a cash bond has been posted, the cash shall be returned to the depositor or the depositor's assigns on the termination of the bond, except any portion of it that may have been used. [9.05.070, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 3798, 1/27/92; Ordinance No. 3993, 9/23/97; Ordinance No. 4249, 4/7/03]

9.05.075 Liability Insurance. If, in the city engineer's opinion, the nature of the work regulated by this ordinance is such that it might create a hazard to human life or adjoining property or property at a higher or lower level, a street or street improvement, or any other public property, the city engineer may, before issuing the permit, require that the permit applicant file a certificate showing that the applicant is insured against claims for damages for personal injury as well as claims for property damage, including damage to the City by deposit or washing of material onto City streets or other public improvements, that may arise from the performance of the work, whether the performance is by the applicant, the applicant's subcontractor or any person directly or indirectly employed by the applicant. The amount of the insurance shall be prescribed by the city engineer in accordance with the nature of the risks involved. The insurance shall include protection against liability arising from completed operations. The insurance shall be written by a company that is approved by the City and shall indemnify and hold harmless the City, its officers, agents and employees against loss or liability that may arise during the performance of, or that may result from, any work required to be done. [BC 9.05.075; amended by Ordinance No. 4249, 4/7/03]

9.05.080 Transferability. No permit required by BC 9.05.020 shall be transferable without the written consent of the city engineer. [BC 9.05.080; Ordinance No. 4249, 4/7/03]

9.05.083 Approval by Planning Commission or Board of Design Review. Where a permit also requires review by the Planning Commission (Commission) or the Board of Design Review (Board) under BC 9.05.050, the Commission's or Board's approval must be obtained prior to the issuance of the permit by the city engineer. The city engineer shall transmit in writing recommendations for preliminary approval and

conditions based on this ordinance to the Commission or Board, as appropriate, prior to the Commission's or Board's decision. If the city engineer denies the permit, the denial is immediately appealable by the applicant under BC 9.05.091 and the denial does not need to be reviewed by the Commission or Board. If the Commission or Board denies the proposed work on grounds within its authority, the site development permit shall be automatically denied without any further action of the city engineer. If application for a site development permit is made after the Commission's or Board's approval of a site plan, the preliminary approval and conditions shall be submitted to the Director of Community Development who shall review it for conformity to the Commission's or Board's approval, requirements and conditions. If the Director of Community Development finds it has a major impact on the Commission's or Board's prior approval, the applicant shall be required to resubmit plans to the Commission or Board, as appropriate. [BC 9.05.083, added by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.085 Effective Date of Permit.

A. Fill permits outside the floodplain district or outside a Significant Natural Resource Area or which do not require Planning Commission (Commission) or Board of Design Review (Board) approval shall be effective when issued by the city engineer pursuant to this ordinance.

B. Permits outside a floodplain district, but subject to review by the Director of Community Development, Commission or Board under BC 9.05.050 shall not be effective until:

1. the provisions of BC 9.05.083 have been met for permits subject to Board approval under BC 9.05.050;

2. the city engineer has mailed or caused to be delivered a notification of issuance of the permit to the Director of Community Development, the applicant and any other interested party who requested such notification for a permit reviewed by the Director of Community Development under BC 9.05.050, but not the Commission or Board;

3. the time to petition for review as set out in BC 9.05.091 has elapsed; and

4. any review proceeding initiated under BC 9.05.091 has been completed.

C. Permits in the floodplain district shall not become effective until:

1. the provisions of BC 9.05.083 have been met for a permit subject to Commission or Board approval under BC 9.05.050; and

2. notice of a proposed alteration, relocation or covering of a watercourse has been given to all affected adjacent communities and applicable jurisdictions, as determined by the city engineer; and

3. the city engineer has delivered written notice of the decision to grant the permit by certified mail or personal delivery to those persons on a list provided by the permit applicant, certified to be accurate, of the names and addresses of all property owners within an area enclosed by lines parallel to and 500 feet from the boundary of the property on which the work is to be performed. The city engineer shall also cause notice to be published in a newspaper of general circulation in the City. If a

subdivision or a design review application, with public notice, has previously been processed by the Director of Community Development for the proposed work in a floodplain district, certified mailing to property owners as described above is not required.

4. the time to petition for review as set out in BC 9.05.091 has elapsed; and

5. any review proceeding initiated under BC 9.05.091 has been completed. [BC 9.05.085, amended by Ordinance No. 3400, 9/10/84; Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 4078, 11/9/99; Ordinance No. 4107, 5/1/00; Ordinance No. 4249, 4/7/03]

9.05.090 Appeal by Affected Person. [BC 9.05.090, repealed by Ordinance No. 3487, 1/14/86]

9.05.091 Appeal Authorized.

A. An applicant for a permit, a permittee or any person, aggrieved by any action, decision or interpretation of the city engineer may appeal to the Council by filing with the city recorder the following:

1. A written notice of appeal, specifying the basis of the appeal; specific legal and factual bases for appeal; the specific reasons why the appellant contends that the city engineer's action, decision or interpretation is incorrect or is not in conformance with the applicable requirements; and specific facts showing the appellant has a substantial interest in the action, decision or interpretation and that the Council's decision will have a practical effect on the appellant, and

2. An appeal filing fee, unless the appeal is filed by or on behalf of the Mayor or another public agency or is waived by motion and order of the Council.

The written notice of appeal and filing fee shall be filed within ten calendar days from the date of mailing of notice of the city engineer's action or the date of actual notice, whichever is earlier.

B. Failure to file an appeal within the time allowed by this Ordinance and according to the requirements set forth in this section is jurisdictional. In such cases, the staff decision shall be deemed the City's final decision on the matter.

C. If the decision to issue the permit is contested, the burden shall be on the permit applicant to establish that the requirements for issuance of a permit have been met.

D. If the adequacy of the conditions attached by the city engineer is contested, the petitioner shall have the burden of showing grounds for modification or addition of conditions. The hearing shall be de novo. However, the City Engineer shall furnish for Council consideration all written evidence previously received or generated by the City Engineer bearing on the appeal.

E. At the conclusion of the hearing, and after argument if any, the Council shall rule on the issues presented. The order shall, as applicable, grant or deny the permit, and may attach conditions consistent with this ordinance.

F. The order shall be in writing and contain findings on all contested issues, with specific reference to the evidence upon which the findings were based. If an emergency exists, the order may be made orally and shall be reduced to writing as soon as practicable. A copy of the order shall be delivered to the permit applicant if any,

the petitioner and the city engineer. The decision of the Council shall be final.

G. If an appellant has applied for both a permit issued under this ordinance and a "grading only" (or "early grading") permit for the same project, but has not received either permit when the violation occurs, and the Council denies the appeal, the penalty shall be based on the permit fee for a permit issued under this ordinance, not the "grading only" permit.

H. If a penalty is appealed and the Council rules in favor of the appellant, the Council may refund all, part or none of the appeal filing fee to the appellant. If the Council approves a refund, the City shall refund any monies due the appellant within 30 calendar days after the Council approves the Final Order.

I. If an appellant pays a penalty before the appeal is heard by the Council, and the appeal is granted by the Council, the City shall refund any monies due the appellant within 30 calendar days after the Council approves the Final Order. [BC 9.05.091, amended by Ordinance No. 3440, 4/2/85; Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.092 Revocation, Suspension, Modification.

A. The city engineer may revoke, suspend, or modify a permit issued under this ordinance for any of the following reasons:

1. violation of a condition of the permit;
2. violation of a provision of this ordinance or any other applicable code section or law relating to the work;
3. the existence of a condition or the doing of an act constituting or creating a nuisance or directly or indirectly creating a hazard to human life, or a substantial risk of hazard to human life, directly or indirectly harming real or personal property or creating a substantial risk of harm to real or personal property; or
4. a material error or misrepresentation by the applicant;
5. any of the grounds set forth in BC 2.05.054.

B. Revocation or suspension shall be in accordance with the procedures contained in BC 2.05.055-.066.

BC 2.05.060 procedures may be used by the city engineer, except that no serious danger to the public health or safety shall be required prior to issuance of a cease and desist order or suspension. Instead, the procedures in BC 2.05.060 may be used if the city engineer determines that the existence of a condition or the doing of an act constitutes or creates a nuisance or directly or indirectly harms real or personal property or creates a substantial risk of harm to real or personal property. The procedures in BC 2.05.056-.058 will be used in all other cases, except as otherwise provided herein. [BC 9.05.092, renumbered by Ordinance No. 3440, 4/2/85; amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.093 Review by Council.

A. The Council may by resolution order a public review of any permit issued under this ordinance, and may order suspension pending a public hearing. The resolution shall state the matters to be reviewed and, if suspension is ordered, the reasons for the suspension.

B. Written notice of the time and place of the hearing shall be delivered to the permit holder by certified mail return receipt requested or personal delivery. If the resolution orders suspension of the permit pending Council review, the notice shall be served by posting on the site and either personal delivery or by certified mail return receipt requested to the applicant at the address stated on the application. Suspension of the permit is effective upon posting notice and mailing to the permit holder or the permit holder's agent accepting service at the address stated on the application.

C. If the permit is suspended pending review, such review shall be conducted within 15 days of the date of resolution, unless the permit holder requests a continuance.

D. Scope of Review.

1. The Council may review compliance with the terms of the permit and as it deems necessary for the public health, safety or welfare, it may modify the conditions attached by the city engineer, or attach additional conditions to the permit consistent with this ordinance.

2. If the Council is of the opinion that the permit should be revoked, it shall direct the city engineer to initiate revocation proceedings pursuant to BC 9.05.090. In that event, the permit shall remain suspended until the city engineer renders a decision on the question of revocation.

[BC 9.05.093; amended by Ordinance No. 4249, 4/7/03]

9.05.095 Expiration; Extension. A permit issued under this ordinance shall expire one year after the date granted, unless a shorter time is specified in the permit conditions. If the permittee is unable to complete the work within the specified time, the permittee may, before expiration of the permit, present in writing to the city engineer a request for an extension of time, stating the reasons for the requested extension. If, in the opinion of the city engineer, such an extension is necessary, the city engineer may grant additional time for completion of the work. [BC 9.05.095; Ordinance No. 4249, 4/7/03]

9.05.100 Providing Copy of Permit to Workers.

A. The permit holder shall provide every worker immediate access to a copy of the permit. On request by a private citizen or public official, the worker shall display the permit. Failure or inability to display the permit shall be grounds for suspension of the permit without prior notice and the suspension shall continue in effect until a copy of the permit is displayed.

B. For purposes of this section, "immediate access" means in the possession of the worker or at some location on the subject property; "worker" includes every person involved in the development, whether or not employed by the permit holder.

[BC 9.05.100; amended by Ordinance No. 4249, 4/7/03]

9.05.105 Inspection by City.

A. The inspections of plans, materials, designs and workmanship provided by this section are intended for the protection of the City and the public. In performing these inspections, the city engineer is entitled to rely on more specific and detailed inspection reports submitted by others and is not required to inspect each particular aspect of a project in detail. The applicant is responsible for the quality of construction and shall not be relieved of this due to

passing inspections provided by the City. The holder of any permit issued under this ordinance shall notify the city engineer as follows:

1. Initial inspection. Forty-eight hours before work is commenced;
2. Utilities. Upon completion of utility installation, but prior to covering the work;
3. Subgrade rock. When subgrade rock has been installed prior to paving or pouring concrete (when paving or pouring of concrete is to take place);
4. Grading. When all rough grading has been completed and again when finish grading is to occur, that is, when all work including installation of drainage structures and other protective devices has been completed;
5. Final inspection. Upon completion of all work for final inspection.

B. On receiving the notice the city engineer shall promptly inspect the work and shall either approve it or notify the permittee in what respects there has been failure to comply with the requirements of this ordinance. Any portion of the work that does not comply shall be promptly corrected by the permittee. [BC 9.05.105, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.110 Excavations. This section applies to all excavations in the City regardless of whether a permit is required by this ordinance for the excavations, except that the tests and reports specified by this section shall not be necessary in connection with excavations for which no permit is required.

A. Slope Standards Generally. No permanent excavation shall be made with a face steeper in slope than one and one-half horizontal to one vertical, unless a retaining wall or other approved support is provided to support the face of the excavation.

B. Deviation From Slope Standard. The city engineer may on request, permit deviations from the above standard that do not conflict with the purpose of this ordinance, provided that the owner shall first furnish the city engineer with a written opinion of a soils engineer, certifying that the soils engineer has investigated the site and that the proposed deviations will not endanger property.

C. Flatter Excavation Face; When Required. The city engineer may require the excavation to be made with an excavation face flatter in slope than one and one-half horizontal to one vertical if the city engineer finds the material in which the excavation is to be made unusually subject to erosion or if other conditions make the flatter excavation necessary for stability and safety.

D. Erosion Control. All demolition areas, exposed slopes (excavation and fill slopes), stockpiles, grading areas and other areas of the site to be disturbed shall receive erosion control treatment meeting applicable standards of the City, Washington County Clean Water Services, and Oregon Department of Environmental Quality. In the event of a conflict or inconsistency, those standards affording the most protection to persons and property off-site shall apply. Before any area or combination of areas that exceed 500 square feet of the surface of a site is disturbed by, or for purposes of, any of the following construction activities or combination thereof, all downstream property lines of the site shall be fenced with erosion control (silt) fencing, downstream street inlets and watercourses shall be protected from sedimentation, and construction vehicle

accesses shall be provided with a gravel construction (wash-down) entrance pad for each access:

1. Demolition.
2. Construction staging.
3. Multiple trips by vehicles over undisturbed ground or parking of multiple construction vehicles on undisturbed ground.
4. Clearing, stripping, or removal of existing trees, vegetation, groundcover or topsoil.
5. Scraping of the ground surface, as for example, in or around a stockpile area to remove materials that would otherwise contaminate the materials to be stockpiled (such as clean fill material or clean crushed rock for roadbuilding).
6. Depositing debris.
7. Grading, excavation or filling.
8. Depositing, stockpiling or storage of soil, sand, gravel, crushed rock, demolition materials, recycled concrete, asphalt or other recycled demolition materials.
9. Pot-holing, geotechnical test drilling, exploratory excavations or well-drilling.

E. Distance From Property Line. The beginning of an excavation shall be located one-half its vertical height but not less than ten feet from an adjoining property line. Request for waiver of this requirement may be made to the city engineer by presentation of detailed plans along with appropriate substantiating evidence in the form of a written opinion of a soils engineer or engineering geologist to support justification for the waiver.

F. Rounding of Excavations Required. The top of excavations slopes and the ends of excavations shall be rounded as required by the city engineer. [BC 9.05.110; amended by Ordinance No. 4249, 4/7/03]

9.05.115 Fills. This section applies to all fills in the City regardless of whether a permit is required by this ordinance for such fills, except that the tests and reports specified by this section shall not be necessary in connection with fills for which no permit is required.

A. Slope Standards. No fill shall be made that creates an exposed surface steeper in slope than one and one-half horizontal to one vertical. The city engineer may, on request, permit deviations from the above standard that do not conflict with the purposes of this ordinance, provided that the owner furnishes the city engineer with the written opinion of a soils engineer or engineering geologist certifying that the soils engineer or engineering geologist has investigated the site and that the proposed deviations will not injure property.

B. Flatter Fill Surface; When Required. The city engineer may require that the owner furnish a written opinion of a soils engineer, certifying that the soils engineer has investigated the site and recommending maximum allowable fill slope and type of slope treatment for stability.

C. Distance From Property Line. The toe of filled slopes shall be located one-half the vertical height of the fill but not less than ten feet from an adjoining property line. Request for waiver of this requirement may be made to the city engineer by presentation of detailed plans along with appropriate substantiating evidence in the

form of a written opinion of a soils engineer or engineering geologist to support justification for the waiver.
[BC 9.05.115; Ordinance No. 4249, 4/7/03]

9.05.120 Compaction of Fills.

A. Fill slopes shall be compacted as necessary for safety; to prevent the saturation, adverse settlement, slipping or erosion of the fill and to achieve a stable slope. Wherever possible, compaction shall not be so dense that it precludes planting on the slope. Where compaction is required it shall be to a minimum of ninety percent compaction and made under supervised grading. The city engineer may specify the maximum thickness of the layers of fill to be compacted.

B. Fills shall be compacted, inspected and tested in accordance with the following provisions:

1. the space over which fills are to be made shall first be cleared of all trash, brush, trees, stumps, timber or debris and shall be scarified;

2. all filling shall be done with good sound earth, gravel or materials approved by the city engineer;

3. when an existing fill is to be widened or a new fill is to be made on a hillside, the new material shall be bonded to the old by plowing deep longitudinal furrows, or by removing top soil and vegetation and by compacting the fill upon a series of terraces;

4. all exposed fill slopes shall be protected immediately upon completion with landscaping, an approved sprinkler system or other erosion control devices approved and considered necessary by the city engineer;

5. in addition to the inspection of fills by the city engineer, the city engineer may require that a written report in duplicate be submitted by a soils engineer certifying the results of tests of the fill at selected stages. If favorable conditions exist, the city engineer may by prior approval waive requirements for supervision of soil testing. If the fill is to support buildings, structures or roadways, the city engineer may require the report to include recommendations on bearing capacities. [BC 9.05.120, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.125 Maintenance. The owner of property or any other person or agent in control of the property on which development covered by this ordinance has been made under a permit granted under this ordinance, shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, planted slopes and other protective devices shown in the approved plans or drawings submitted with the application for the grading permit or as required by the city engineer. [BC 9.05.125, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.130 Repair. When the city engineer determines by inspection that an existing development covered by this ordinance, from any cause, has become a hazard or creates a substantial risk of hazard to people, or harms property or creates a substantial risk of harm to property, or affects the safety, usability or stability of public property, the owner of the property on which the development is located or other person or agent in control of the property, on receipt of notice in writing from the city engineer, shall, within one

hundred eighty days from the date of the notice, repair or reconstruct the development so that it will conform to the requirements of this ordinance. A shorter period of time may be specified by the city engineer if an imminent and immediate hazard is found to exist. A person receiving notice from the city engineer may appeal from the notice in the manner provided by BC 2.05.056, subsections B to G. [BC 9.05.130, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.135 Drainage Requirements.

A. Drainage generally. All graded sites shall be developed to provide control of storm and surface waters. Adequate provisions shall be made to prevent storm or surface waters from damaging the face of an excavation or the sloping face of a fill, and to prevent grading or other construction activity from causing significant concentration or acceleration of drainage entering adjacent property without an easement from the owner of the adjacent property, which shall be in a form approved by the city attorney and recorded at the Washington County Department of Assessment and Taxation. All drainage provisions shall be subject to the approval of the city engineer and shall be designed to carry storm and surface waters to the nearest practical street, storm drain, or natural water course, approved by the city engineer as a safe place to deposit and receive such waters.

B. Building Pad. Building pads on graded sites shall be sloped at a minimum of two percent to the street or an approved drainage device.

C. Subdrainage. When the city engineer considers it necessary, adequate subdrainage shall be provided in connection with fills.

D. Control of Excessive Runoff.

1. Where a one-half acre or larger site is involved, the site drainage design shall provide for retention of storm waters by use of impoundments that constitute an approved drainage device to limit the amount of run-off to a rate that approximates the run-off rate of the site in its undeveloped state. Flat-roof buildings shall provide rooftop catchments with a maximum runoff of the entire roof area limited to one-half inch per hour.

2. On sites of less than one-half acre where flat-roof buildings are constructed, the requirements of subsection D1 above, as they apply to roofs, shall apply. [BC 9.05.135, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.140 Additional Safety Precautions. If at any stage of development requiring a permit by this ordinance the city engineer determines by inspection that further work as authorized by an existing permit is likely to endanger life, real or personal property or public property, the city engineer may require reasonable safety precautions as a condition of allowing further work to be done. [BC 9.05.140, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.145 Protection of Adjacent Public Property. No person shall excavate on land sufficiently close to the property line to endanger an adjoining public street, sidewalk, alley or other public property, without supporting and protecting them from settling, cracking, or other damage that might result from the excavation. If, in the opinion of the city engineer, the nature of the excavation

creates a hazard to life unless adequately fenced, the city engineer may require the applicant to construct fences or guard rails to safeguard persons using the public street, sidewalk, alley or other public property. [BC 9.05.145; Ordinance No. 4249, 4/7/03]

9.05.150 Deposits Prohibited.

A. Premises of Another Person. No person shall dump, move or place earth, sand, gravel, rock, stone or other excavated material so as to cause the material to be deposited upon or to roll, flow or wash upon or over the premises of another without the express consent of the owner of the premises so affected or upon or over any public place or way.

B. Spilling. No person shall, when hauling earth, sand, gravel, rock, stone or other excavated material over any public street, alley or other public place, allow the material to blow or spill over and upon a public street, alley or place or adjacent private property.

C. Removal of Debris. If, due to a violation of subsection A or B, earth, sand, gravel, rock, stone or other excavated material is caused to be deposited upon or to roll, flow or wash upon any public place or way, the person responsible or the permittee shall cause the material to be removed from the public place or way immediately or within such time as authorized by the city engineer or operations director. If it is not so removed, the city engineer or operations director shall cause its removal and the cost of the removal shall be paid to the City by the person who failed to remove the material. Failure to cause the removal of the material when notified or failure to pay the costs of removal of the material incurred by the City shall be grounds for revocation or suspension of the permit or issuance of a civil infraction complaint. [BC 9.05.150, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.155 Certificate of Completion.

A. On completion of the project, the permittee or a civil engineer in charge of the project on the permittee's behalf shall certify in writing to the city engineer that the project was done in conformity with the provisions of this ordinance and the permit, plans and specifications submitted, and shall furnish a final contour map.

B. If, on final inspection of development requiring a permit under this ordinance, it is found that the work authorized by the permit has been satisfactorily completed in accordance with the requirements of this ordinance, the permit, and the plans and specifications, the city engineer shall issue to the owner a completion certificate covering the work.

C. Upon completion of construction in the floodplain, the permittee or a civil engineer in charge of the project on the permittee's behalf shall submit to the city engineer a completed Elevation Certificate (FEMA 81-31, April 82, 593-117, as amended from time to time). The City shall maintain for public inspection such records as required under federal law. (44 CFR 60.3(b)(5)). [BC 9.05.155, amended by Ordinance No. 3400, 9/10/84; Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.156 Failure to Obtain Permit.

A. When a permit is required by BC 9.05.020, but is not obtained prior to work or development, the city engineer may issue a stop work order. The issuing officer shall provide notice by posting a notice on-site.

- B. The notice shall include:
1. the fact of the cease and desist order and the reason therefore; and
 2. a statement that a permit is required and that application may be made through the city engineer.
- C. In addition to the cease and desist order, the city attorney may pursue injunctive relief in the appropriate court.
- D. In addition to other action, failure to obtain a permit when one is required is a civil infraction. [BC 9.05.156, added by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.160 Abatement of Violations. Violations of this ordinance are declared to constitute public nuisances. When the city engineer determines that conditions violating this ordinance exist, the city engineer may require or provide for abatement of the violation pursuant to the provisions for abatement of nuisances in Chapter Five. The city attorney may institute any legal proceedings necessary to abate a public nuisance. These remedies are not exclusive and are in addition to other remedies provided under this ordinance or under any other law. [BC 9.05.160, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

9.05.165 Penalties.

A. Violation of this ordinance constitutes a Class 1 Civil Infraction to be processed in accordance with the procedures provided in BC 2.10.010-.050.

B. Each violation of a separate provision of this ordinance constitutes a separate infraction, and each day that a violation of this ordinance is committed or permitted to continue constitutes a separate infraction.

C. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City under BC 9.05.160 or State law. [BC 9.05.165; Ordinance No. 4249, 4/7/03]

9.05.170 Conflicting Provisions. If the provisions of this ordinance conflict with other provisions of the Beaverton Code or any other City ordinance, the provisions of this ordinance shall govern. [BC 9.05.170, amended by Ordinance No. 3487, 1/14/86; Ordinance No. 4249, 4/7/03]

(Reserved)

NEIGHBORHOOD ASSOCIATIONS

9.06.010 Purpose.

A. The purpose of BC 9.06.010-.040 is to encourage and endorse citizen involvement through the formal recognition of groups of citizens that desire to form neighborhood associations for particular purposes, and to provide certain criteria for the formation, operation and continuation of the recognized associations in order to insure a maximum opportunity for involvement by the citizens of Beaverton in

the processes of government as well as other activities concerning neighborhood and community livability.

B. Although a major function of the associations will be to augment the citizen involvement process in land use related matters, such as planning and zoning activities, as is required by applicable law, it is the intent of the Council to provide the basis for a wide range of activities that promote the general health and welfare of the community and a spirit of harmony and pride for all citizens of Beaverton.

C. Nothing in BC 9.06.010-.040 shall limit the right of any person, group of persons or organization from exercising a lawful right. Membership in a recognized neighborhood association confers no extraordinary rights, standing or legal capacity solely on the basis of membership, nor is the association itself given any special status by this legislation that is intended to influence a court of law as to its capacity to commence litigation.

9.06.015 Neighborhood Association Policy Statement. The Council hereby establishes criteria whereby it may formally recognize neighborhood associations within the City limits and adjacent areas. The Council encourages and endorses the formation, operation and continuation of such neighborhood associations, pursuant to the criteria set forth below, to provide maximum citizen involvement in the community. [BC 9.06.015, amended by Ordinance No. 3544, 12/16/86]

9.06.020 Criteria for Formal Recognition of a Neighborhood Association. A neighborhood association (hereinafter "association") that seeks formal recognition by the City shall meet and continue to maintain conformity with the following minimum criteria for formal recognition:

A. Membership.

1. a resident, property owner, business licensee or representative of a non-profit organization within the recognized boundary of a neighborhood shall be entitled to membership;

2. a member who is at least eighteen years of age shall have one vote on any matter to be decided by the association. However, one high school student government representative per association, who lives within the boundaries of the particular association and who has been appointed by his/her school to serve as an association member, shall also have one vote and may be under eighteen years of age;

3. membership or participation shall not be conditioned on the requirement of the payment of dues or fees. However, an association may accumulate funds to carry out its purposes through other means, including voluntary contributions, projects, grants, contracts and subscription to newsletters; and

4. membership shall not be limited by race, creed, color, sex, national origin or income.

B. Neighborhood Boundaries. In order to implement the Council's stated purpose of insuring maximum opportunity for citizen involvement, the Council shall adopt a map containing suggested boundaries for neighborhood associations that will encompass the entire area of the City. Persons seeking formal recognition of an association may propose alternatives to the map suggestions. Following input by interested persons, the Council shall finally

determine the boundaries of an association in accordance with as many of the following criteria as may be applicable under the circumstances:

1. boundaries should be contiguous and mutually exclusive of those of other formally recognized associations;
2. boundaries should follow readily identifiable physical features, such as property lines, arterial or collector streets, or be set at some other clearly defined and relatively permanent natural or man-made feature; and
3. boundaries describing the territory should be logical and the Council may consider such other factors as:
 - a. a community of interests, common identity and social communication,
 - b. existing commercial patterns,
 - c. existing boundaries of other agencies, such as school district boundaries, and
 - d. the views and desires of citizens seeking association recognition.

C. Organization and By-laws. Following determination of a boundary for an association, the person or persons seeking formal recognition shall:

1. Hold at least one public organizational meeting that has been well publicized in the neighborhood and adopt written by-laws that provide, at a minimum, for the following:
 - a. for the election of officers,
 - b. that meetings shall be conducted in conformance with the requirements of the public meetings law in situations when the association meets for the purpose of deliberating toward, making recommendations concerning, or acting in any way in an advisory capacity on an issue in which the City may make a decision through its governing body, its boards and commissions or in an administrative capacity. This provision shall apply to meetings of the association regardless of the size of its membership,
 - c. that written minutes required by the public meetings law also record minority opinions and that copies of minutes be forwarded within a reasonable time to the City,
 - d. that a current list of the names and addresses of the officers of the association be kept on file with the City,
 - e. that a minimum of one general neighborhood meeting be held per year, and the time, place and purpose be well publicized throughout the neighborhood at least seven days in advance of the meeting.

2. Following adoption, a copy of the association's by-laws shall be filed with the City and maintained and updated to reflect amendments by the association.

D. Formal Recognition. Providing the association meets the criteria set forth in subsections A, B and C of this section, an association shall be considered formally recognized when the Council has approved it by resolution and the mayor has given written notice of the Council's formal recognition, within 60 days of the adoption of

the resolution, to eligible members of the association. The notice shall include at least the following:

1. an encouragement to participate in the activities of the newly formed association;
2. a map or other designation describing in general terms the neighborhood boundaries;
3. the names and addresses of officers of the association; and
4. the name if any, of the City's designated liaison person who will be serving as a primary contact with the association. [BC 9.06.020, amended by Ordinance No. 3544, 12/16/86; Ordinance No. 4059, 9/15/99]

9.06.025 Termination of Recognition and Grievances. The formal recognition of an association may be terminated by the Council for failure to abide by its by-laws or the provisions of BC 9.06.010-.040. However, before termination of recognition by the Council, on request, a hearing may be held to determine the validity of any charges and allow representatives of the association to be heard. The Council by resolution shall provide the mode and manner of a hearing or investigation of charges against an association. If the Council terminates recognition, it shall advise the membership of the association of the appropriate procedures and means to regain recognition through letters by the mayor to the principal officers of the association, as well as to the general membership by sending the letter to the address of record of the association, and by any other notice considered appropriate by the Council under the circumstances.

9.06.030 City Support of Associations. The City, through the mayor's office and subject to the mayor's judgment concerning the availability of resources or budgetary limitations, shall provide support and assistance to recognized associations. The mayor or the mayor's designee shall develop administrative procedures, as the mayor considers appropriate, to provide City support and encouragement to assure the successful operation of the associations, which shall include at a minimum the following:

- A. Materials and supplies to aid an association in formation, recognition and operation;
- B. Reprographics services;
- C. Staff assistance, as available;
- D. Use of City facilities and equipment; and
- E. As practical under the circumstances, other economic assistance and support.

9.06.035 Newly Annexed Areas. The Washington County Citizen Participation Organization (CPO) that includes the area of a proposed annexation to City within that CPO boundary and the Beaverton Neighborhood Association Committee (NAC) whose boundary is nearest that same area, shall be deemed to be "interested parties" as referenced in Chapter 3.09 of Metro Code relating to notice of annexation and shall be notified of any proposed annexation of such area to the City. When an area is annexed to the City, based on the circumstances of each case the Council shall determine:

- A. That the area be added to the territory of an existing association;

B. That the area be recognized as immediately appropriate for one or more associations and its citizens encouraged immediately to seek formal recognition as a new association;

C. That the area be recognized as appropriate in the future for one or more associations but, because it is yet undeveloped or is of too small a size, it should be represented temporarily by another association, until such time as it is appropriate to be formally recognized as a separate association; or

D. That some other treatment of the area is deemed appropriate under the circumstances. [BC 9.06.040; amended by Ordinance No. 4257, 7/7/03]

9.06.040 Council Review of Associations. From time to time, the Council may seek review of one or all of the associations, their boundaries or the criteria for formal recognition and may amend, modify or change any decision made pursuant to the criteria for formal recognition or any other provision of BC 9.06.010-.040.

(Reserved)

LIFE SAFETY AND FIRE REGULATIONS

9.07.010 Required Peep Holes. Except as provided in section 3305(h) of the Structural Specialty Code, the primary entry door of each dwelling unit of a multi-family dwelling shall be equipped with a peep hole allowing an occupant to have a wide field of view of the area immediately outside the door without opening the door. [BC 9.07.010, added by Ordinance No. 3886, 2/14/94]